

Gilhooly



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Herman Miller, Inc.

**File:** B-237550

**Date:** November 7, 1989

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### DIGEST

1. Where protester waits more than 1 month before requesting information which will form the basis of its protest, protester has failed to diligently pursue such information and protest is dismissed as untimely.
2. An untimely protest will not be considered under the significant issue exception to the bid protest timeliness requirements where the issue raised is not one of widespread interest to the procurement community which has not been considered on the merits in a previous decision.

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### DECISION

Herman Miller, Inc., protests the award of a delivery order to Westinghouse Electric Co., under request for quotations No. DAHA04-89-Q-0077, issued by the National Guard for systems furniture. Miller contends that as the low priced, qualified quoter it should have received the award.

We dismiss the protest as untimely.

The record indicates that quotes were opened August 10, 1989, and that the National Guard notified Miller by letter dated August 15 that award was made to Westinghouse. By letter dated October 5, Miller asked the National Guard for the abstract of quotes, and by letter dated October 13, the National Guard sent a copy of the requested abstract. Miller protested to our Office on October 24.

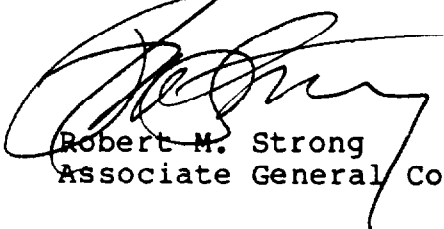
Our Bid Protest Regulations require that to be timely, a protest must be filed within 10 days of when a protester knew or should have known of its basis of protest. 4 C.F.R. § 21.2(a)(2) (1989). Further, the protester must diligently pursue the information forming the grounds for the protest. Dictaphone Corp., B-235818, Oct. 3, 1989, 89-2 CPD ¶ \_\_\_\_\_. If the protester fails to do so within a reasonable time, we

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will dismiss the protest as untimely. Id. It is our view that the protester's actions here did not constitute diligent pursuit of the information needed, because the protester waited well over a month after being notified of award to Westinghouse to request the abstract of quotes.

Miller essentially concedes that its protest is untimely, but requests that we consider it under the "significant issue" exception to our timeliness regulations, 4 C.F.R. § 21.2(b). This exception, which we construe strictly, is limited to untimely protests that raise issues of widespread interest to the procurement community which have not been considered on the merits by this Office in a previous decision. Grant Technical Servs., B-235231.2, May 26, 1989, 89-1 CPD ¶ 514. Since we have frequently considered the same allegation which Miller raises, its protest does not meet this standard.

The protest is dismissed.



Robert M. Strong  
Associate General Counsel